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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,102	03/31/2004	Kristin Coit	16113-769001 / GP-241-00-	5180
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EXAMINER				
LASTRA, DANIEL				
ART UNIT		PAPER NUMBER		
3688				
NOTIFICATION DATE		DELIVERY MODE		
01/15/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

### Office Action Summary

**Application No.**

10/814,102

**Applicant(s)**

COIT ET AL.

**Examiner**

DANIEL LASTRA

**Art Unit**

3688

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on 10 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1, 4-9, 15, 16 and 33-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-9, 15, 16 and 33-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1, 4-9, 15, 16 and 33-37 have been examined. Application 10/814,102 (ADVERTISEMENT APPROVAL) has a filing date 03/31/2004.

### **Response to Amendment**

2. In response to Final Rejection filed 06/10/09, the Applicant filed an RCE on 11/10/09, which amended claims 1, 15, 33-34 and added new claim 37.

### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-9, 15, 16 and 33-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman (US 2005/0021649) in view of Angles (US 5,933,811).

Claims 1, 33 and 34, Goodman teaches:

A computer-implemented method comprising:

Accepting, on a computer system, a set of advertisements from an advertiser (see paragraph 98);

determining if the advertiser is a trusted advertiser (see paragraph 99);  
submitting, in response to determining that the advertiser is a trusted advertiser, the advertisements in the set of advertisements for review using an automated review

process, wherein the automated review process comprises automatically approving or disapproving advertisement based on the content of the advertisement (see paragraph 98);

in response to a determination that the advertiser is not a trusted advertiser: selecting a subset of the set of advertisements (see paragraph 110); submitting the subset of advertisements to be reviewed to a manual review process for approving or disapproving an advertisement based on the content of the advertisement (see paragraph 110);

determining a trust score for the advertiser using information based on the manual review of the subset of advertisements (See paragraph 110); and  
if the trust score is less than a threshold trust score (see paragraph 98) submitting the advertisements in the set of advertisements not in the selected subset for review using the automated review process (see paragraph 48, 110-111 "system checks a subset of the potential spammer's outgoing messages by a human and because the score is less than a threshold the sender is not a spammer and therefore, all the sender messages are allowed to be sent and check automatically using filters as it is not necessary for a human to inspect them again");  
if the trust score is greater than or equal to a threshold trust score (see paragraph 48):  
submitting the advertisements in the set of advertisements not in the selected subset to be reviewed using the manual review process and allowing approved advertisements from the set of advertisements to be served by the advertisement server (see paragraph 48, 98-101 "a high score determines a high probability that a sender is a spammer

therefore, message are sent for human review in order to determine which messages are spam and which are not"); and

automatically transferring approved advertisements of the set if the trust score indicates that the advertiser is a trusted advertiser (see paragraph 111 "the sender is not a spammer, therefore, the score of a sender is reset and the threshold level increase in order that trusted senders are allowed to send their messages). In Goodman when a sender's score is less than a threshold value, said sender is considered a trusted sender, however, in Applicant's claimed invention, when the sender's trust score (i.e. advertiser) is less than a threshold trust score, said sender is not considered a trusted sender or advertiser. However, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that said difference between Goodman and Applicant's claimed invention would not patentably distinguish the claimed invention from the prior art because Goodman teaches the concept of comparing a sender score to a threshold value in order to determine the probability of said sender being a trusted sender or not.

Goodman does not teach the set of advertisements being reproducible on an advertisement server and transferring the approved advertisements to the advertisement server. However, Angles teaches a system where advertisers transfer advertisements to an advertisement server via the Internet to be distributed to consumers (see col 2, line 45 – col 3, line 30). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that because Goodman teaches that his filter system can be adapted to include electronic

messaging of any form that can be distributed over any communication architecture (see paragraph 35), that Goodman would modify his invention to include an ad server, as the one taught by Angles in order to filter the advertisements transfer to said ad server and therefore, avoid displaying unwanted advertisements to consumers when said consumers access a content provider website, such as chat websites.

Claim 4, Goodman teaches:

wherein the trust score indicates a degree of distrust is a distrust score (see paragraph 48).

Claim 5, Goodman teaches:

wherein determining the trust score for the advertiser further comprises determining a percentage of declined advertisements in the subset (see paragraph 15).

Claim 6, Goodman teaches:

wherein determining the trust score further uses reasons for which declined advertisements in the subset were declined (see paragraph 110).

Claim 7, Goodman teaches:

wherein the set of advertisements comprises Web advertisements (see paragraph 110).

claim 8, Goodman teaches:

automatically screening the approved advertisements for preselected words or phrases (see paragraph 44).

Claim 9, Goodman teaches:

wherein at least one of the preselected words is a URL (see paragraph 44).

Claim 15, Goodman teaches:

A computer-implemented method of ad approval comprising: selecting a subset of a first ad group of advertisements provided by a trusted advertiser (see paragraph 110);

accepting a determination of advertisements in the subset that are disapproved (see paragraph 110);

determining a trust score using information concerning disapproved advertisements in the subset, approved advertisements in the subset, and reasons for any disapprovals (see paragraph 110); and

pulling from circulation at least one advertisement in a second ad group received from the trusted advertiser if the trust score indicates that the trusted advertiser is no longer a trusted advertiser (see paragraph 104). Goodman does not teach the set of advertisements being reproducible on an advertisement server. However, Angles teaches a system where advertisers transfer advertisements to an advertisement server via the Internet to be distributed to consumers (see col 2, line 45 – col 3, line 30). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that because Goodman teaches that his filter system can be adapted to include electronic messaging of any form that can be distributed over any communication architecture (see paragraph 35), that Goodman would modify his invention to include an ad server, as the one taught by Angles in order to filter the advertisements transfer to said ad server and therefore, avoid displaying unwanted

advertisements to consumers when said consumers access a content provider website, such as chat websites.

Claim 16, Goodman teaches:

wherein the determination of advertisements in the subset that are disapproved is accepted from a manual review process (see paragraph 110).

Claim 35, Goodman does not teach:

wherein accepting the set of advertisements from the advertiser includes receiving advertisements from a syndication system that is configured to aggregate and collect advertisements from third parties that submit third party advertisements to the syndication system for placement on a web page of a content publisher. However, Official Notice is taken that it is old and well known in the promotion art for central server to receive advertisements from third parties and transmit said advertisements to content providers' web sites when a user access said content providers websites. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that in Goodman, a central server would collect advertisements from third parties and would send said advertisements to be displayed in content providers as it is old and well known in the promotion art to use central servers to aggregate advertisements to be delivered to different content providers.

Claim 36, Goodman teaches:

wherein accepting the set of advertisements from the advertiser includes receiving the advertisements directly from a system of organization that produced the advertisement (see paragraph 110).



Claim 37, Goodman does not teach:

wherein automatically transferring approved advertisements of the set includes designating that the approved advertisement for placement in an advertisement syndication network. Goodman does not teach the set of advertisements being reproducible on an advertisement server and transferring the approved advertisements to the advertisement server. However, Angles teaches a system where advertisers transfer advertisements to an advertisement server via the Internet to be distributed to consumers (see col 2, line 45 – col 3, line 30). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that because Goodman teaches that his filter system can be adapted to include electronic messaging of any form that can be distributed over any communication architecture (see paragraph 35), that Goodman would modify his invention to include an ad server, as the one taught by Angles in order to filter the advertisements transfer to said ad server and therefore, avoid displaying unwanted advertisements to consumers when said consumers access a content provider website.

#### ***Response to Arguments***

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ROBERT A WEINHARDT can be reached on (571)272-6633. The official Fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DANIEL LASTRA/  
Primary Examiner, Art Unit 3688  
January 12, 2010